

- El
- (b) an inlet port in said lid for inflow of fluids into said canister;
 - (b) an outlet port in said lid for outflow of fluids from said canister;
 - (c) a conduit in fluid communication with said outlet port, said conduit extending to said bottom of said canister body when said lid is placed in covering relation to said canister body; and
 - (d) a vacuum port in said lid for application of vacuum to said canister for inducing said inflow of fluids into said canister.

REMARKS

By the present amendment, claim 29 has been cancelled and claim 31 amended in response to the objections made in the Office Action. A marked-up version of the changes made to claim 31 is attached, captioned "Version With Markings to Show Changes Made."

The examiner is requested to reconsider and withdraw his objections to claims 31, 33 and 36 having regard to the amendment to claim 31 and the following submissions.

Claim 31 has been amended by writing it as an independent claim which includes the limitations of cancelled claim 29. Claim 31 is directed to a lid having *three ports*, namely an inlet port for the inflow of fluids into the canister, an outlet port for the outflow of fluids and a vacuum port for the application of vacuum to the canister for inducing an inflow of fluids. In the cited Hesselmann patent, the apparatus for circulating viscous substances does not have three ports in its lid, as required by applicant's claim 31. In Hesselmann, liquid flows out of the container through an outlet port in the lid (the port is not numbered in the Hesselmann drawings, but is at the top of tube 4) when the pump is activated, circulating the liquid through pressure tube 5 and returning it through conduit 6 into the container through an inlet port in the lid (the inlet port is not numbered in the Hesselmann drawings but is under nipple 6a). There are accordingly only *two ports* in the lid, i.e. a fluid outlet port and a fluid inlet port. There is no third port, i.e. vacuum port, as required in applicant's claim 31. It is apparent that the apparatus in Hesselmann operates in a fundamentally different way from that of the applicant. In Hesselmann, a pump draws fluid out of the container and returns it to the container through a conduit. There is no separate application of vacuum to the container. In contrast, in the applicant's

device, as reflected in claims 31, 33 and 36, there is a vacuum port whereby vacuum is applied to the canister to draw fluid into the canister through a fluid inlet port. Such structure is not provided by Hesselmann.

The examiner also rejected claim 36 under 35 U.S.C. 102(b) as being anticipated by Hesselmann. Claim 36 is directed to a suction canister. It requires an inlet for the inflow of fluids into the chamber of the canister, an outlet port for the outflow of fluids from the chamber and a vacuum port for the application of vacuum to the chamber. Three ports are accordingly required by claim 36 whereas, as explained above, the apparatus disclosed in Hesselmann has only two ports. Claim 36 is accordingly not anticipated by Hesselmann.

Claim 33 was rejected by the examiner as obvious under 35 U.S.C. 103 over Hesselmann in view of Smith. Claim 33 depends from claim 31 and includes all its limitations. It therefore requires a lid having the three ports specified in claim 31. For the reasons discussed above, such structure is not disclosed in Hesselmann. The addition of an outlet valve as disclosed in Smith to the outlet of Hesselmann would accordingly not provide a three-ported lid as required by claim 33 is accordingly unobvious in view of the references cited.

In view of the foregoing, it is submitted that the rejections under 35 U.S.C. 102 and 103(a) have been overcome and that the application is in condition for allowance.

Respectfully submitted,

By:



David J. McGruder
Registration No. 32,375

Vancouver, B.C.
CANADA

Tel. No.: (604) 669-3432 extn. 222
Fax No.: (604) 681-4081
email: dmcgruder@patentable.com

VERSION WITH MARKINGS TO SHOW CHANGES MADE

In the Claims:

Amend claim 31 as follows:

31. (Once Amended) A lid [according to claim 29 further comprising] for covering a canister body, said lid and canister body together forming a canister for receiving fluids, said canister body having side walls and a bottom, said lid comprising:

- (b) an inlet port in said lid for inflow of fluids into said canister;
- (b) an outlet port in said lid for outflow of fluids from said canister; [and]
- (c) a conduit in fluid communication with said outlet port, said conduit extending to said bottom of said canister body when said lid is placed in covering relation to said canister body; [.] and
- (d) a vacuum port in said lid for application of vacuum to said canister for inducing said inflow of fluids into said canister.